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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,045	08/06/2001	David E. Richardson	10990318-2	1209

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/923,045

**Applicant(s)**

RICHARDSON, DAVID E.

**Examiner**

Tadesse Hailu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is in response to the AMENDMENT entered with the filing of RCE on April 18, 2005.
2. The present patent application is a continuation of application No 09/523,387, filed on March 10, 2000, now patented, 6,271,845, which is a continuation-in-part of application No. 09/087,338, filled on May 29, 1998, now patented, 6,054,987.
3. The pending claims, 41 through 64 are examined herein as follows.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 41 through 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Dev et al (US Pat No 6,374,293).

The present invention relates generally to network management, and more particularly to monitoring health problems of network devices and services of a managed network environment. Furthermore it is directed to not only to indicate the occurrence of a critical event, but to also be able to quickly and readily ascertain the exact nature of that critical event. Likewise, Dev, the prior art of record, is directed to do the same (Abstract). Consequently Dev anticipates the claimed subject matter of the present invention.

With regard to claims 41 and 58:

Dev discloses a network management method and system that includes a user interface, a virtual network and a device communication manager. The method and system allow a user to determine a health status of network objects in a managed network environment" (see Dev, abstract).

As per "displaying a plurality of group view containers each corresponding to a group of network objects sharing at least one user-definable group view attribute, and providing for each group view container an indicator representative of the overall health status of its corresponding group of network objects based on a health status of each of the group's network objects" (see Dev, Figs. 7A-7C, 8A-8B, Abstract, column 12, lines 39-column 13, lines 31).

As per "for each network object in a group of network objects corresponding to a user-selected group view container, displaying a representation of the network object, and providing an indicator representative of a health status of the network object as

determined by at least one user-definable health characteristic of the network object” (see Dev, Figs. 7A-7C, 8A-8B, column 12, lines 39-column 13, lines 31).

As per “for each of the at least one health characteristic of a user-selected network object, displaying a representation of the health characteristic, and providing an indicator representative of a health status of the health characteristic.” (See Dev, Figs. 7A-7C, 8A-8B, column 12, lines 39-column 13, lines 31).

Dev further describes that said network management system includes at least a user interface, that will enable user to interact, select, modify, etc with one the plurality of views (topological or location) of the network (column 3, lines 66-column 3, lines 20).

Dev also describes presenting to the user via the user interface listing (see e.g., Alarm log display attributes, Fig. 10) of the network device attribute (column 13, lines 7-19, column 13, lines 32-44).

Dev also describes that said user modifying (i.e., via the user interface) the listed attribute (see e.g., Alarm log display attributes, Fig. 10) (column 9, lines 21-column 10, lines 11).

With regard to claims 42 and 59:

As per “for each user-selected health characteristic, displaying any event or trap message indicative of an event affecting the health status of the user-selected health characteristic.” (Column 7, lines 40-60).

With regard to claims 43 and 60:

As per “providing a health status indicator of each health characteristic comprises: causing the health status indicator of the health characteristic to indicate a

poor health condition of the health characteristic when performance data of the health characteristic violates a predetermined threshold of the health characteristic.” (Column 7, lines 27-35, column 13, lines 51-67).

With regard to claims 44 and 61:

As per “storing the at least one health characteristic for each network object in a health characteristic configuration file of the corresponding group view to which the network object belongs.” (Column 3, lines 43-51).

With regard to claim 45:

As per “the health characteristic configuration file corresponding to each group of network objects is a registration file.” (Column 3, lines 43-51, column 8, lines 5-14).

With regard to claim 46:

As per “the user can dynamically change network objects of a group of network objects by changing one or more of the at least one user-definable group view attribute of that group of network objects.” (column 3, lines 66-column 4, lines 20, column 6, lines 48-66).

With regard to claim 47:

As per “the at least one health characteristic of a network object comprises one or more of a group consisting of disk utilization, memory utilization, network utilization, and processor utilization.” (column 14, lines 39-56, Fig. 10).

With regard to claims 48 and 62:

As per “the at least one of the network object is either a network device or a network service of the managed network environment.” (column 11, lines 48-59).

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With regard to claims 49 and 63:

As per “storing the at least one group view attribute for each group of network objects in an attribute configuration file of the corresponding group to which the network object belongs.” (column 2, lines 65-67, column 47-51, column 5, lines 44-57).

With regard to claim 50:

As per “the attribute configuration file corresponding to each group of network objects is a registration file” (column 5, lines 44-column 6, lines 14).

With regard to claim 51:

As per “the indicator representative of the overall health status of a corresponding group of network objects comprises either a color or a shape of an icon representing the corresponding group view container. “ (column 12, lines 39-46).

With regard to claim 52:

As per “the indicator representative of the overall health status of a corresponding group of network objects comprises an audible alarm” (column 8, lines 5-14).

With regard to claim 53:

As per “the indicator representative of the health status of a network object comprises either a color or a shape of a displayed icon of the network object” (column 14, lines 13-24).

With regard to claim 54:

As per “the indicator representative of the health status of a network object comprises an audible alarm.” (column 8, lines 5-14).

With regard to claim 55:

As per “the event or trap message indicative of an event affecting the health status of a user-selected health characteristic is stored as a field of the network object for which the health characteristic is defined” (column 7, lines 40-60).

With regard to claim 56:

As per “the field comprises a field of the network object in an alarm browser used in an Internet application” (column 12, lines 63-67).

With regard to claims 57 and 64:

As per “determining context sensitive information of a user-selected group view” (column 3, lines 66-column 4, lines 20); and as per “modifying, in accordance with the determined context information, at least on of a menubar, popup menu, or toolbar included in the user interface when the user –selected group view is selected by the user.” (as illustrated in location view of Fig. 7A, the menubar includes File and view menus, while in Fig. 7B, which is another context, the menubar additionally includes tools menu (See Figs. 7A and 7B, column 12, lines 39-62).

### ***Response to Arguments***

5. Applicant's arguments filed April 18, 2005 have been fully considered but they are not persuasive. Applicant argues that Dev fails to disclose the amended portion of claims 41 and 58 including the “*receiving ...*”, and “*presenting...*” steps as claimed . In contrast to the Applicant argument, Dev's network management system includes a user interface to manipulate the network configuration models, views, entities etc. By using the user interface the user will be able to select and modify any network objects,



entities or views. The user also will be able to view and modify attribute list of a network object (column 3, lines 66-column 4, lines 20, column 4, lines 56-column 5 lines 2, column 13, lines 7-19). As applicant points out, Dev discloses a view personality module 20 connected to the user interface 10 contains a collection of data modules which permit the user interface to provide different views of the network. Other than the above statement, Dev does not teach that "the data modules must be accessed and modified in order to change the view of the network,..." as presented by the Applicant. In contrast to the Applicant's argument, Dev discloses manipulating a network object within the user interface. For example as shown, in Fig. 7A-7C, for example, when a user selects one of the network region icon in Fig. 7A, in response to the user's selection, the selected region is shown in Fig. 7B, and by clicking icon 312 within the user interface of 7B, another lower level object will be displayed as shown in Fig.7C. Thus, Dev teaches presenting a user interface in response to a user's selection to modify a group view as claimed.

Applicant also argues that Dev fails to teach or suggest modifying a menubar, popup menu, or toolbar of a user interface. In contrast to the Applicant's argument, Dev discloses a plurality of menubar each associated with the context of the displayed object (see Figs. 7A and 7B), wherein Fig. 7B additionally includes tools menu.

Having fully addressed the Applicant's argument the rejection still stands.

### **CONCLUSION**

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-

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4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

7. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu  
Art Unit 2173  
4/27/05

A handwritten signature in black ink, appearing to read "Tadesse Hailu", written in a cursive style.